IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.271 OF 2007

Narayan Shetty and others .. Petitioners
v/s.
The Municipal Corporation of Greater Mumbai
and others .. Respondents

Mr.Vijay J. Hegde for the petitioners.
Mr. A. J. Bhor for the respondents.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.
DATED : 24TH APRIL, 2007

P.C.

It is the case of the petitioners that the constructions were demolished without the authority of law and, therefore, they have prayed for a mandamus to be issued against the respondents to reconstruct. Reconstruction will depend on the planning law in force and the petitioners having development permission. Therefore, this court cannot direct the respondents to put up the construction which has been demolished even if illegally, if there be a law applicable. The petitioner if has suffered pecuniary losses would be entitled to sue the respondents for the pecuniary loss.

2. At any rate, this Court in exercise of its extraordinary jurisdiction in the absence of development permission cannot permit reconstruction nor can issue a direction to the respondents to reconstruct contrary to the Municipal laws and Development

Regulations.

With the above observation, the petition disposed of.

3. It is always open to the petitioner, if he is entitled, to apply for reconstruction/new construction and if development permission is granted, to act according to law.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)